

California Regional Water Quality Control Board
Santa Ana Region

June 30, 2000

ITEM: 18

SUBJECT: Executive Officer's Report

DISCUSSION:

1. **Southern California Wetlands Recovery Project** – The Southern California Wetlands Recovery Project is a coordinated effort among state and federal agencies to undertake wetland protection activities for wetlands from Point Conception to the U.S./Mexican border. The Wetlands Recovery Project agencies include the Department of Fish and Game, the Coastal Conservancy, the State Lands Commission, the Department of Parks and Recreation, the Resources Agency, the Coastal Commission and the southern coastal Regional Boards (Central Coast, Los Angeles, San Diego and Santa Ana). Federal agencies include the Environmental Protection Agency, the Army Corps of Engineers, the Fish and Wildlife Service, the National Marine Fisheries Service and the Natural Resources Conservation Service. Board Member Beswick serves on the Board of Governors as our representative to the Wetlands Recovery Project. Regional Board staff, along with other agency staff, serve as advisors to the Board of Governors.

The goal of the Wetlands Recovery Project is to develop and implement a regional prioritization plan for coastal wetlands acquisition, enhancement, and restoration activities to implement the goal of increasing the quantity and quality of the state's wetland resources. Initially, the focus of the Wetlands Recovery Project was preservation/restoration activities of coastal wetlands; recently, the Wetlands Recovery Project expanded its interests to include restoration/enhancement of inland wetlands and riparian zones. Recent successful projects have included the restoration of the San Joaquin Freshwater Marsh and Tijuana Estuary Model Marsh. Funding for wetland projects is obtained through appropriation in the Governor's budget and from available federal funds. Other funding sources may include recently passed bond monies.

The Wetlands Recovery Project Board of Governors met on June 9, 2000. The primary focus of the meeting was to develop a list of potential projects for the fiscal year 2000-01 workplan. Of the 31 projects identified in the workplan, 6 are within the Santa Ana Region. These potential projects include: San Joaquin Freshwater Marsh Enhancement (Phase II), Huntington Beach Acquisitions, Huntington Beach Wetlands Restoration Plan, Hearthside (Fieldstone) Property Acquisition, Bixby Ranch Acquisition (Los Cerritos) and Hellman Ranch Acquisition (Los Cerritos). We will keep you informed of the progress made related to these important wetland projects.

2. **Update on the Water Quality Assessment** – Section 305(b) of the federal Clean Water Act requires the State to submit to the US Environmental Protection Agency (USEPA) a biennial report on the status of the state's water quality. To prepare the statewide report, each Regional Board completes a regional water quality assessment (WQA) that

becomes a chapter in the statewide report submitted to USEPA. In the WQA, the Regional Boards identify waterbodies that are meeting water quality standards (water quality objectives and beneficial uses) and waterbodies that are not meeting standards. Those waterbodies identified as not meeting standards are placed on the Section 303(d) list, which triggers the need to develop a total maximum daily load (TMDL). The WQA is due to USEPA in April, 2001, and we anticipate bringing the proposed assessment for your consideration in February/March, 2001.

In order to comply with the Clean Water Act and prepare the assessment for the region, Regional Board staff has been preparing to implement focused monitoring in Lake Elsinore/Canyon Lake, Big Bear Lake and the Anaheim Bay/Huntington Harbour complex. Monitoring in other watersheds will occur during subsequent years. Regional Board staff has been working very closely with staff of the Southern California Coastal Water Research Project (SCCWRP) to develop the monitoring program for the three watersheds. The monitoring program design consists of a stratified random sampling approach that will enable staff to determine to a 95% confidence level whether or not a waterbody is impaired. Regional Board staff believes that the intensive statistical approach on one or two waterbodies is more useful for evaluating water quality than collecting one or two samples in all waterbodies in region. Sampling will consist of collecting water column samples, sediment samples and benthic infauna, and is scheduled to be initiated in the Anaheim Bay/Huntington Harbour complex in August, 2000.

One of the elements of our approach to completing the WQA is to partner with local volunteers and agencies to assist with the sampling program. This partnership will increase the knowledge of water quality issues by local volunteers, as well as assist Regional Board staff in sample collection. We see this also as a mechanism for increasing public knowledge about potential impacts we all have on the environment. In order to facilitate this partnership in the Anaheim Bay/Huntington Harbour complex, staff has been working with Orange County CoastKeeper to identify volunteers and to develop a training program. Many other local agency stakeholders have also been invited to participate.

3. **Development of Total Maximum Daily Loads (TMDLs) for the Lake Elsinore and Big Bear Lake Watersheds** – The Regional Board has identified the beneficial uses of Lake Elsinore as impaired due to excessive levels of nutrients, sedimentation and toxic constituents. Canyon Lake has also been identified as impaired for pathogens and nutrients. For any waterbody listed as impaired, the Clean Water Act requires that a TMDL be established. The TMDL is the allowable amount of a pollutant that can be discharged from all sources, both point and nonpoint, and still ensure protection of beneficial uses. Regional Board staff has initiated development of TMDLs for Lake Elsinore and Canyon Lake, focusing initially on the nutrient TMDL. Staff convened a group of stakeholders, including representatives of Riverside County (Flood Control District and the Executive Office), City of Lake Elsinore, Eastern Municipal Water District, Elsinore Valley Municipal Water District, the Farm Bureau, Milk Producers Council and other interested stakeholders. The Lake Elsinore TMDL Workgroup, which meets monthly, has been working to develop an extensive monitoring program that would provide data needed to develop an accurate TMDL and individual source allocations. Board staff is currently attempting to secure monitoring funds from

stakeholders for the monitoring program. If potential stakeholders and/or dischargers do not voluntarily provide monitoring funding, it may be necessary to issue requests, pursuant to Section 13267 of the California Water Code, to each entity requiring the development and implementation of a TMDL monitoring program (the monitoring program would need to be comparable to the program developed by Regional Board staff, or the parties could participate in the Regional Board's monitoring program). Monitoring is scheduled to begin in June of this year and continue for two years. In addition to development of the monitoring program, staff has been compiling and evaluating existing data to develop a statement of the problem and proposed nutrient numeric targets. A status report on the development of the Lake Elsinore nutrient TMDL will be provided to the Regional Board in Fall, 2000. Regional Board workshops for consideration of the nutrient TMDL for the Lake Elsinore watershed are proposed to be initiated in mid-2002. Staff activities on the remaining TMDLs for the Lake Elsinore watershed have only recently been initiated, and therefore trail the nutrient TMDL development schedule.

Staff has also initiated TMDL development in the Big Bear Lake watershed. The Board identified Big Bear Lake and several tributaries as impaired due to sedimentation, nutrients, and metals. Again, the Clean Water Act requires that TMDLs be established for each pollutant. At the end of April, Regional Board staff convened the first meeting of the Big Bear Lake TMDL Workgroup. Approximately 30 interested stakeholders, including representatives from the San Bernardino County Flood Control District, the City of Big Bear Lake, Big Bear Area Regional Wastewater Agency, Big Bear Municipal Water District, California Department of Fish and Game, ski resorts, marina owners and operators and other interested parties, participated in the TMDL Workgroup meeting. At that meeting, Regional Board staff provided an overview of the TMDL development process and the schedule for development of Big Bear Lake watershed TMDLs. Additional TMDL stakeholder meetings are scheduled on a bi-monthly basis. Regional Board workshops for consideration of the Big Bear Lake watershed TMDLs are proposed to be initiated in mid-2002.

4. **Pelican Hill Golf Club Administrative Civil Liability Complaint** – On May 5, 2000, I issued an administrative civil liability complaint (ACLC) to Western Golf Properties, the operator of Pelican Hill Golf Club, Newport Beach, for a number of unreported releases and discharges of recycled water from the golf club. The discharges were reported to us by the Orange County CoastKeeper. The complaint proposed an assessment of \$148,000. Western Golf proposed an ACLC settlement in which it would pay \$108,000 of the liability proposed to the Cleanup and Abatement Account, as well as make a \$40,000 contribution to a CoastKeeper-sponsored kelp reforestation project. I accepted Western Golf's offer, and on June 5, 2000, we received their \$108,000 settlement check and commitment to contribute to the CoastKeeper's project.
5. **Gene Belk Fruit Packers Administrative Civil Liability Complaint** - On January 26, 2000, Board staff received a complaint regarding a discharge of non-storm water from Gene Belk Fruit Packers (GBFP) facility to a nearby storm drain tributary to the Santa Ana River. The GBFP facility is located in the Bloomington area. The analytical results of samples collected by staff indicated that the discharge contained pollutants, including high levels of total dissolved solids (salts). On May 25, 2000, I issued ACLC No. 00-46

for \$10,000 for the unauthorized discharge of non-storm water in violation of Section 13376 of the California Water Code. On May 31, 2000, we met with the discharger. Based on information provided by the discharger during that meeting, the ACLC was amended to suspend \$6,500 of the assessment, provided that GBFP takes appropriate steps to eliminate non-storm water discharges, including the construction of a non-storm water collection system, by September 1, 2000. The balance (\$3,500) of the assessment is due and payable in four installments (the first three installments at \$1,000 each), starting on June 30, 2000 and the 30th of each subsequent month. On June 6, 2000, GBFP submitted a signed "Waiver of Hearing" form and agreed to pay the revised assessment.

6. **Administrative Civil Liability Complaint for D. R. Horton Los Angeles Holding Company, Inc.** – On March 3, 2000, Board staff conducted a routine inspection of a construction site at Canyon Crest and Via Vista Drives in the City of Riverside. It was noted during the inspection that the site's Storm Water Pollution Prevention Plan (SWPPP) was inadequate and that Best Management Practices (BMPs) intended to control erosion and sediment transport were not being implemented. Board staff notified D. R. Horton about these deficiencies and requested corrective actions. On March 8, 2000, Board staff returned to the site during a storm event and observed sediment-laden storm runoff discharging from the site to a nearby stream.

On May 26, 2000, I issued ACLC No. 00-47 to D. R. Horton, assessing liability in the amount of \$26,400. The assessment was based on an estimated cost savings resulting from non-implementation of BMPs in the amount of \$20,000 (\$1,000 per acre); a \$5,000 penalty for the discharge of sediment-laden storm water runoff; and \$1,400 in recovered staff costs for the investigation.

On June 7, 2000, at their request, a meeting was held between Board Staff and the D. R. Horton representatives. At that meeting, they agreed that the BMPs implemented at the discharge point were insufficient to control off-site discharge of sediment during the March 8, 2000 storm event. However, they pointed out that grading at the site had only commenced in late February 2000 and that due to the drainage pattern at the site, only one discharge point had to be protected. Based on this evidence, I agreed to reduce the liability amount to \$13,200, with \$6,800 resulting from cost savings, a \$5,000 penalty for the violation, and \$1,400 in staff costs. On June 8, 2000, D. R. Horton waived their right to a hearing and agreed to pay the \$13,200 assessment.

7. **Gasoline Spill on Route 330** – Late in the afternoon of May 16, 2000, a gasoline tanker overturned on Route 330, the highway between San Bernardino and Running Springs, spilling its entire load of nearly 5,000 gallons. Board staff was notified by the Governor's Office of Emergency Services and was at the spill site that evening. The spilled fuel soaked into the soil of the roadbed and the slope below the highway. Some fuel flowed down the slope. Since creeks in this area are spring-fed and recharge the Bunker Hill II ground water subbasin, Board staff was concerned that, if not promptly and thoroughly cleaned up, the spill had the potential to contaminate both surface water and downstream groundwater.

On May 17th, Board staff met with San Bernardino County Fire Department Hazardous Materials staff overseeing the spill response. At that time, Board staff provided clean up criteria for the site. Board staff also sampled the creek most likely affected by the spill and found no indication the spill had yet reached the creek. Quick assessments of the extent of soil contamination were done, and Caltrans ordered all contaminated soil removed, which necessitated closing Route 330 for several days. Thousands of tons of contaminated soil were removed and replaced with clean fill.

At the request of Department of Fish and Game staff, Board staff developed a program for monitoring water quality of the stream below the spill site. The party responsible for the spill will carry out this program. At the request of San Bernardino County Fire Department, Board staff accepted responsibility for reviewing the water quality data. Board staff remains concerned that, despite the extensive clean up and soil removal, stream contamination may yet occur. Results of the monitoring program will show whether there will be any long term water quality effects of the spill, and if additional clean up is needed.

8. **Cajon Illegal Landfill Status** - The Cajon illegal landfill, located adjacent to Cajon Creek in the Cajon Pass area, has been in operation since the early 1990s. Believed to be the largest illegal landfill in the state, the fill material consists primarily of inert construction debris and soil, but also includes about 60,000 cubic yards of greenwaste. On December 31, 1998, the green materials caught fire through spontaneous combustion, and although the San Bernardino County Fire Department was able to suppress the flames, the landfill still smolders beneath the surface. Occasional surface fires continue to break out periodically.

A workplan has been developed to remove the decomposable material and dispose of it in a regulated landfill, and to restore the canyon wall to its approximate configuration before waste disposal. Board staff have reviewed and approved the proposal. The County is preparing a CEQA document, which should be completed by the first week of July. Once CEQA review is complete, the County will apply for the necessary permits from the involved agencies, including a 401 Certification from Board staff. Board staff will be involved in an oversight capacity throughout the cleanup project.

At present, 30 of the 35 large (over 100 loads) and small (under 100 loads) waste haulers identified in the original complaint have signed a settlement agreement that calls for them to contribute financially to the cost of clean up. Some of the large haulers have also agreed to provide the equipment and manpower needed to accomplish this task. In February, an additional 21 haulers were added to the list of responsible parties. Of these, only one has settled so far. If necessary, Board staff will prepare a Cleanup and Abatement Order, in concert with enforcement orders from other agencies, to bring the recalcitrant responsible parties to the table to participate in funding the cleanup project.

9. **Redlands Illegal Landfill** - As discussed at the February Board meeting, the Redlands illegal landfill, located immediately adjacent to San Timoteo Creek, has been operated by Mr. Gordon English, property owner, since 1996 or earlier. During multi-agency meetings, guidance was prepared and submitted to Mr. English to assist him in developing an environmental assessment workplan for the site. However, Mr. English

chose to ignore that guidance and began removing waste from the site without agency permission, after being told explicitly not to do so. He has been unwilling to reveal the new location of the removed waste, or the sources of the waste he originally disposed. Samples of waste collected by both AQMD and a contractor hired by Mr. English to assess the site were found to contain asbestos. This was not unexpected, since Mr. English is an asbestos removal contractor. In spite of several warnings to cease work at the site, waste removal continues sporadically.

Because Mr. English has proven to be uncooperative on all points, the project has been taken up by the San Bernardino County District Attorney's office (DA). As a result of a meeting on June 6 between the agencies and the DA, a plan of action has been developed. The DA will meet with Mr. English to explain the potential civil and/or criminal prosecution he is facing if he continues to be uncooperative. The DA will also explain the agencies' position that the waste needs to be characterized through trenching and borings into the waste. In the meantime, Board staff will be preparing a Cleanup and Abatement Order so that it can be issued immediately if no progress is made at the DA's meeting with Mr. English.

10. **Groundwater Cleanup Status at El Toro Marine Corps Air Station** – The plans of Irvine Ranch Water District and Orange County Water District to desalt high TDS groundwater in the area of the El Toro Marine Corps Air Station (MCAS) and use the desalted groundwater for potable use became problematic when trichloroethylene (TCE) from the MCAS was detected in the groundwater. As a result, the Department of Defense (U.S. Navy) and the two water districts intend to sign a proposed settlement agreement that was approved by the Department of Justice in early June. Under the settlement agreement, TCE will be removed by air stripping, and the Navy will contribute money for the desalter in exchange for not being held responsible for any future liability that could result from "unknown contamination." However, the water districts are currently reluctant to sign the agreement because of their concerns regarding radionuclides and MTBE that are also present in the groundwater. The radionuclides could be naturally occurring, or they could be originating from landfills at the base. The Navy has indicated that it could take them four to six months to conduct sampling to determine the source of the radionuclides. However, the Orange County Water District has proposed to pay for the analyses to expedite the process. The source of the MTBE is a gas station at the base, and there is also a concern that MTBE could migrate to the desalter from a known, adjacent off-base source, when the extraction wells begin pumping. The water districts want the Navy to take radionuclides out of the settlement agreement, claiming that radionuclides should not be covered by the Navy's contribution for "unknown contamination." The Navy's position, however, is that the potential presence of radionuclides was known to all parties for at least a year, and therefore, is not an "unknown contaminant." It is expected that the reverse osmosis system for desalting the groundwater will also be able to remove the radionuclides and the MTBE. If these issues are not resolved soon, it is possible that the U.S. EPA may give up on the negotiations and ask the Navy to proceed with an alternative remedy. In that case, the Navy would not participate in the desalter project.

Gerard J. Thibeault
Executive Officer